

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

RSA No. 135 of 2023

Date of Decision : 02.06.2023

Bhoop Singh

...Appellant

Versus

Punjab State Power Corporation Limited

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satvir Singh, Advocate for the appellant.

Mr. Dhruv Walia, Advocate for the respondent-PSPCL.

Harsimran Singh Sethi J. (Oral)

1. The present regular second appeal has been filed challenging the judgments and decrees of the courts below by which the suit filed by the appellant-plaintiff challenging the imposition of punishment of 10% cut in pension for life has been upheld and the suit filed by the appellant-plaintiff has been dismissed.

2. Learned counsel for the appellant-plaintiff submits that as per the settled principle of law, the cut in pension for life cannot be imposed, which question of law has already been settled by this Court while passing order in CWP No. 2866 of 2018 titled as ***Satish Kumar Vs. State of Punjab and others***, decided on 17.05.2022. Learned counsel submits that the courts below have failed to appreciate the said

settled principle of law while examining the validity of the punishment, hence, the judgments and decrees of the courts below are liable to be set-aside.

3. Notice of motion.

4. On the asking of the Court, Mr. Dhruv Walia, Advocate accepts notice on behalf of the respondent.

5. Learned counsel for the respondent submits that though the punishment was imposed upon appellant-plaintiff keeping in view the allegation alleged against him and the judgments and decrees of the courts below are perfectly valid and legal.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The only argument raised by the learned counsel for the appellant-plaintiff in the present appeal is that punishment of the cut of 10% in pension has been imposed by the impugned order and the same is for life, whereas, no cut in pension can be imposed for life keeping in view the judgment of the Division Bench of this Court in CWP No. 568 of 2013 titled as ***Jagdish Mitter Vs. Central Administrative Tribunal and others***, decided on 19.05.2014, hence the punishment imposed is contrary to the settled principle of law. Relying upon the said judgment, ***Satish Kumar's case (supra)*** was also decided by this Court holding that the cut in pension cannot be imposed for life and cut in pension has to be for a specified time period keeping in view the allegation alleged and proved.

8. Learned counsel for the respondent has not been able to rebut the settled principle of law noticed hereinbefore.

9. The courts below have not at all considered the punishment from the said angle and have upheld the same only on the ground that the punishment has been passed after holding disciplinary proceedings.

10. Keeping in view the above, the issue, which arise in the present appeal is answered in favour of the appellant-plaintiff that the cut in pension cannot be imposed for life, hence, the punishment imposed upon the appellant-plaintiff vide order dated 12.01.2015 is set-aside. However, the respondent-defendant will be within its right to pass a fresh order of punishment keeping in view the gravity of allegation alleged and proved against the appellant-plaintiff.

11. The judgments and decrees of the courts below are set-aside and the appeal is allowed in above terms and the suit filed by the appellant-plaintiff is allowed qua setting-aside the order of punishment dated 12.01.2015 with liberty to the respondent-defendant to pass a fresh order in the disciplinary proceedings, which were initiated against the appellant-plaintiff.

June 02, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No